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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**PLAINTIFF'S SUBMISSION
REGARDING PROPOSED JURY
INSTRUCTIONS ON CORPORATE
ENTITIES**

1 During the Court's hearing on January 13, 2023, the Court requested Plaintiff direct the
 2 Court to portions of the Complaint and Interrogatory Responses that provide notice of facts
 3 supporting corporate scienter apart from the imputation of scienter from Mr. Musk. For the
 4 avoidance of ongoing dispute on this matter, Plaintiffs do not object to the language, "If you find
 5 against Mr. Musk, but do not find that Mr. Musk was acting within the scope of authority as an
 6 officer of Tesla, then you must find that Tesla is not liable." In the Court's proposed instruction
 7 on Corporate Entities (ECF No. 535, at 34).

8 Dated: January 13, 2023

Respectfully submitted,

LEVI & KORSINSKY, LLP

s/ Adam M. Apton

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